

CHAPTER V

LEAD BASED PAINT REQUIREMENTS

Previous chapters have mentioned lead-based paint as part of specific tasks in housing rehabilitation projects. **All homes or rental properties** that will be rehabilitated with CDBG funds must have a lead evaluation/risk assessment regardless of who occupies the unit, unless exempted under Title X. See 24 CFR 35.115 for the list of exemptions under Title X or the Lead-Base Paint Procedure chart at the end of this chapter. In summary, those tasks are:

- The grantee and the project administrator are in charge of procuring and managing the contract for the licensed lead based paint risk assessor. The project administrator must also organize and manage files dealing with lead-based paint activities. The Department of Health and Senior Services promulgates the state regulations on the specific protocol used by the risk assessor.
- The grantee's Rehabilitation Guidelines must contain specific policies and procedures on how a grantee will address lead paint hazards.
- Grantees may allow up to \$6,000 in CDBG funds, in addition to normal rehabilitation costs, in the form of a grant to ensure lead hazards are eliminated as far a practicable.

DED HQS requires that OSHA regulations be followed when disturbing lead painted surfaces on any project, prohibit certain activities for any project, and allow lead hazards to be addressed through abatement, interim controls, or through activities coincidental to the rehabilitation process. There are specific documents that must be provided in each rehabilitation file for monitoring preparation.

This Chapter will describe the specific laws and requirements that must be complied with and will go through the lead-based paint protocol in a step-by-step manner. Specific lead based paint terminology will be defined when describing this procedure. Grantees should be aware that the order of these steps is determined mostly by regulations and should adhere to these steps as carefully as possible when dealing with lead hazards.

Applicable Laws And Regulations

EXISTING HUD/CDBG REQUIREMENTS: Section 570.487 of the CDBG regulations require States to “devise, adopt and carry out procedures with respect to CDBG assistance . . .to establish procedures to eliminate as far as practicable the hazards of lead poisoning due to the presence of lead-based paint in any existing housing assisted under a program administered under the Department.” The CDBG program has adopted guidelines to meet this requirement.

These include the following:

- A cost threshold of \$21,000 per house for housing rehabilitation work that reduces lead-based paint hazards. This is \$6,000 above the \$15,000 CDBG cost limit for non-lead reduction activities.
- A threshold of \$600 per unit for lead risk assessment evaluations.
- Children six years of age or younger as the group most likely to be subject to these hazards. Houses built before 1978 occupied by children six years of age or younger and rental units, which frequently change occupants, are identified as houses in which hazards may exist, but every house that is rehabilitated must have a lead risk assessment.

EPA AND the MISSOURI DEPT. OF HEALTH & SENIOR SERVICES: 570.487 requires that all purchasers and tenants of pre-1978 housing be notified of the hazards of lead-based paint. The regulation also prohibits the use of lead-based paint for residential rehabilitation and construction work in all CDBG projects. In order to meet this requirement, lead hazards must be identified and, once identified, must be eliminated as far as is practicable. The identification and elimination of lead hazards are activities that are regulated by EPA. The Missouri Department of Health and Senior Services (DHSS) has obtained approval under EPA to conduct licensing and enforcement activities that will meet EPA requirements. The DHSS Lead Bureau Office is responsible for lead licensing and accreditation in the state of lead risk assessors, contractors, supervisors, and workers. It has published the regulations that applies to state's CDBG program at 19 CRS 30, which may be superseded by HUD lead regulations at 24 CFR 35.

HUD TITLE X REGULATIONS AND OSHA: Additional regulations pertain to the conduct of rehabilitation contractors disturbing lead painted surfaces. HUD's Title X regulations published on September 15, 1999, restrict the rehabilitation activities of CDBG program contractors. Effective on November 15, 1999, these regulations prohibit dry sanding and scraping, chemical stripping, abrasive blasting, burning, and heat guns above a certain temperature in all rehabilitation activities. In addition, any contractor addressing lead surfaces must also comply with OSHA regulations at 29 CFR 1926. These regulations require contractors to test all paint surfaces that will be disturbed for the presence of lead and protect their employees from lead poisoning to the extent dictated by the results of their tests. Grantees may use CDBG funded lead professionals to help contractors meet these requirements.

Required Lead-Based Paint Procedure

(See page V-12 or Exhibit 27 for a Diagram of the Procedure)

The following procedure will be used to meet the above Federal and State lead-based paint requirements:

STEP 1: Procurement Of A Licensed Risk Assessor

To identify lead-based paint hazards in houses occupied by children six years of age or younger and rental units, a grantee must hire a licensed risk assessor to accomplish this task. EPA defines a risk assessment as "an on-site investigation to determine the existence, nature, severity, and

location of lead hazards, and the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing the hazard.” DHSS requires these tasks to be accomplished by a person who is licensed as a Risk Assessor by the DHSS. See Chapter VIII for the proper method of procuring this professional service. For more information on DHSS Lead Bureau, visit their Web site at: www.dhss.state.mo.us/Lead/websitehtml.htm

STEP 2: Lead Paint Documentation

The following documents and forms should be prepared by the grantee for use in your project and will be required to be in each project rehabilitation file:

- 1) A rehabilitation contract including the following provisions (See contract provisions in Exhibits 16, 17, 18, and 19).
 - a) Provision prohibiting the use of lead-based paint.
 - b) Provision requiring the contractor to comply with OSHA regulations (29 CFR Part 1926).
 - c) Provision prohibiting the use of unsafe work practices to remove paint, as defined by HUD at 24 CFR 35.140.
- 2) A copy of the EPA Brochure, “Protect Your Family from Lead in Your Home,” that will be provided to all tenants and property owners of pre-1978 housing addressed with CDBG funds (See Exhibit 23). A copy of this document in Spanish is available (See Exhibit 23B).
- 3) The contractor’s performance manual must contain adequate provisions covering the methods for containing lead dust during lead reduction activities. The rehab inspector and risk assessor should provide a copy of these provisions to each contractor. The provisions must ensure that specialized cleaning of lead dust is provided by the contractor in all rooms where a lead hazard is found. This will ensure compliance with DED HQS as the minimum requirement for eliminating lead hazards. **Specialized Cleaning** involves the use of a HEPA vacuum and special soap for cleaning lead dust in a house. It is the most cost-effective form of short-term protection against lead hazards and does not require a licensed contractor.
- 4) A copy of the checklist to be signed by the property owner and tenants to indicate that they have received the EPA brochure, the risk assessment report, and/or partial inspection report, and clearance testing report (See Exhibit 24). Any hazards that are not practicable to remove with the \$6,000 of CDBG funding must be documented and the list of remaining lead hazards provided to the property owner (See Exhibit 28).

STEP 3: Selection Of Housing With Potential Hazards

Ensure that every property owner of pre-1978 houses and their tenants are provided the EPA brochure, “Protect Your Family From Lead in Your Home (Exhibit 23).” **CDBG’S LEAD-BASED PAINT PROTOCOL** has been summarized at Exhibit 27B. The following steps detail our program’s lead-based paint requirements.

STEP 4: Conduct The Preliminary Rehabilitation Inspection

For all houses pre-1978 houses, the following steps are required:

- 1) The grantee's housing inspector must first conduct a rehabilitation HQS inspection. A copy of the rehab inspector's work specifications must be provided to the grantee's risk assessor.
- 2) If the house has been determined to be feasible to rehabilitate by the rehabilitation inspector, then a risk assessment is conducted.

Note: A rehab inspection and lead risk assessment must never be conducted simultaneously to avoid excess lead risk assessment costs. Excess risk assessment costs occur when a house is determined to be not feasible to rehabilitate. Here, the grantee incurs the added costs of a lead risk assessment for a house that will not be rehabilitated due to the rehab inspector's cost estimate showing that the house will exceed DED's rehabilitation cost limit. Grantees will have to pay for unnecessary lead risk assessments. Proceed with a lead risk assessment only after the rehab inspector has determined that the house is feasible to rehabilitate based on the rehab inspector's cost estimate.

- 3) The risk assessor should determine from the rehab inspector's work write-up, which painted surfaces will be disturbed. These are the surfaces that could potentially cause a lead hazard during the course of the rehabilitation.
- 4) Lead-based paint hazards are defined as conditions that cause exposure to lead, such as:
 - Deteriorated LBP – peeling, chipping, cracking, damaged, etc.
 - LBP on “friction surfaces”- surfaces subject to abrasion, i.e., stairs, floors or windows
 - LBP on “impact surfaces”- surfaces subject to repeated sudden force, i.e., door frames
 - LBP on “assessable surfaces”- dust or peeling paint on window sills
 - Lead contaminated soil

STEP 5: Conduct A Risk Assessment

At completion of the grantee's inspection for DED HQS and rehabilitation feasibility, the grantee should notify its risk assessor to conduct a risk assessment or lead hazard screen of the property.

- HUD defines a **“lead hazard screen”** as “a limited risk assessment activity that involves limited paint and dust sampling (24 CFR 35.110).” A lead hazard screen can be used where a house is in generally good condition where most painted surfaces are still intact, not flaking or peeling. Here, the lead hazard screen should be less costly than a risk assessment.
- HUD defines a **“risk assessment”** as an on-site investigation to identify LBP hazards that are present or are likely to present exposures of concern to human health. A risk assessment includes paint testing, dust and soil sampling, and a visual inspection. The

risk assessment report identifies lead hazards and the appropriate options for reducing those lead hazards.

Provide a copy of the risk assessment report to the owner-occupant, tenant and rental property owner, and the rehabilitation inspector. Ensure that each recipient signs the form indicating that they received this report (See Exhibit 24).

STEP 6: Determine Which Hazard Reduction Activities Identified By The Risk Assessor Require A Licensed Contractor/ Supervisor/Workers

EPA requires that a licensed supervisor/contractor accomplish all lead abatement activities. Any worker used by the supervisor must also be licensed. At 24CFR 35.110, HUD defines “**abatement**” as “any measure or set of measures designed to permanently eliminate lead-based paint hazards.” EPA and HUD have jointly agreed that “**abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may coincidentally result in a reduction or elimination of lead-based paint hazards.** Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently reduce lead hazards.”

A risk assessor must specify, in their risk assessment report, lead reduction options that will reduce lead hazards. However, some of these options will not meet the definition of abatement; therefore, they will not require use of a licensed supervisor/worker. The project administrator, rehabilitation inspector, and risk assessor should collaborate to determine, for each rehabilitation, which rehab work activities will require a licensed supervisor/workers or just the HUD lead safe work practices certificate. In order to make this determination, the following process should be followed:

- 1) Determine which components of the home were addressed as a deficiency by both the rehabilitation inspection and the risk assessment. For these components:
 - a) Does the rehabilitation activity itself eliminate the hazard? Does the rehabilitation activity co-incidentally reduce or eliminate the lead hazard? For example, the rehabilitation inspector finds that a window needs to be replaced to meet DED HQS. Later, the grantee’s risk assessor finds that the window also contains a lead hazard. This activity is considered a rehabilitation activity and a licensed contractor will not be required. In order to qualify as a rehabilitation activity, the activity must be necessary to resolve a “non-lead” HQS deficiency. This rehabilitation activity must be done by contractors who have the HUD lead safe work practices certificate.
 - b) If the scope of the lead hazard reduction is not coincidental to the rehabilitation activity, then it exceeds the scope of the rehabilitation HQS activity. If so, the grantee is required to use a licensed lead contractor, worker, or supervisor to conduct the work activity. For example, if the paint on the living room and kitchen baseboards are intact and the wood is not in a state of deterioration, then that baseboard molding would not have to be replaced under DED HQS. Its removal and replacement would not be in the inspector’s rehabilitation work write-up for this unit. However, if the same baseboards exceeded the

LBP limits after the risk assessment testing, then the grantee would have to use a licensed lead contractor to remove and replace the kitchen and living room baseboards to eliminate the lead hazard. This is work beyond the scope to the rehab inspector's original HQS work write-up, so it is not coincidental to the rehab work.

- 2) For activities listed by the risk assessor that exceed the scope of the work required by the rehabilitation inspector, determine if the activity is an abatement activity or an interim control. If the activity is an interim control, it does not require a licensed contractor.

The following is a list of activities that are considered **interim controls** and do not require the use of a licensed supervisor and worker. However, DED recommends that you use a contractor that has employees have a HUD Lead Safe Work Practices certificate. If not, then have a licensed lead supervisor present to supervised the unlicensed rehabilitation employees.

Interim Controls: 24 CFR 35.110

- Specialized cleaning
- Surface coating stabilization. This would include the following:
 - Wet scraping deteriorated paint surfaces that are not classified as being in poor condition (see above).
 - Application of paint or encapsulants that have a lifetime rating of less than 20 years, even if applied over surfaces that were in poor condition and have been wet scraped by a licensed supervisor/worker.
- Replacement of window and door components to eliminate friction surfaces, but not the entire window or door unit. This could include rehanging or planing doors, removal and replacement or doorstops, and installing non-lead window components.
- Providing surface coatings on stairs and floors, such as carpet, tile, and sheet flooring without removing painted surfaces.
- Temporary covering of soils with landscaping materials, such as grass, rocks, mulch, etc.
- Using barriers to prevent entry to hazardous areas, such as fencing, door-locks, relocation of occupant, warning signs, and barrier landscaping.

The following is a list a activities that are considered to be **abatement** activities:

- Parts of a siding job, which would include wrapping the house with insulation or wrap before installing the siding;
- Removal and replacement of window and door units;
- Removal and replacement of all trim in a given room in the house;
- Installing paneling, or drywall or other enclosure systems for all of the walls in a given room;

- Wet scraping, sanding, or removal of paint considered to be in “**poor**” condition. EPA defines paint in poor condition as “more than 10 sq. ft. of deteriorated paint on exterior components with large surface areas; or more than 2 sq. ft. of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, doors); or more than 10% of the total surface area of the component is deteriorated on interior or exterior components with small surfaces areas (window sills, baseboards, soffit, trim).”
- Removing and replacing soil or covering soil with a permanent barrier, such as concrete.
- Encapsulation with a treatment rated to last more than 20 years

Standard Treatments: 24 CFR 35.1335

If lead is presumed and the costs to reduce the lead hazards is less than \$5,000, then standard treatments may be used to reduce the lead hazards. All standard treatments must incorporate the use of HUD lead safe work practices.

The following is a list of activities that are defined as standard treatments:

- Paint stabilization
- Correcting conditions to eliminate the production of lead dust, e.g., install window jam liners, or install doorstops, etc.
- Covering or restricting access to bare soil
- Specialized cleaning

STEP 7: Occupant Protections & Temporary Relocation Guidance

The grantee **must** implement measures to protect the occupants of the dwelling unit from exposure to lead hazards during the rehabilitation of their dwelling unit.

Occupant Protection:

- 1) Occupants shall not be permitted to enter the worksite area until after the lead hazard reduction work has been completed and clearance achieved.
- 2) The occupants shall be temporarily relocated, before and during the lead reduction activities, to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, when the scope of the lead reduction activities requires it.

Temporary relocation is not required when:

- a) The lead reduction activities will not disturb lead-based paint, dust-lead hazards, or soil-lead hazards; or
- b) Only the exterior of the dwelling unit is treated (e.g., siding, fascia, soffit, or windows), and the windows, doors, ventilation intakes, and other openings in or near the worksite

are sealed during hazard control work. Afterwards, the site must be cleaned and be entry free of dust-lead and soil-lead, and debris-lead hazards; or.

- c) Treatment of the interior will be completed within one period of 8-daytime hours, and the worksite is contained/sealed-off to prevent the release of lead dust and debris into other areas of the dwelling unit; and treatment does not create safety, health or other environmental hazards (e.g., release of toxic fumes, exposed live electrical wiring, or on-site disposal of hazardous waste); or
 - d) Treatment of the interior will be completed within 5 calendar days, and the worksite is contained/sealed-off to prevent the release of lead dust, and debris into other areas of the dwelling unit. Treatment does not create other safety, health, or environmental hazards. At the end of each work day, the worksite and the area within 10 feet of the containment area is cleaned to remove any visible dust or debris, and the occupants have safe access to sleeping areas, a bathroom and kitchen facilities.
- 3) The dwelling unit and the worksite shall be secured against unauthorized entry, and the occupant's belongings must be protected from contamination by dust and debris lead hazards during hazard reduction activities. Occupants' belongings in the contained area must be relocated outside of the contained area in a secured area or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

Worksite Preparation:

- 1) The worksite shall be prepared to prevent the release of lead dust, and contain lead-based paint chips and other debris that result from the lead reduction activities within the work area until they can be safely removed. Lead safe work practices that minimize the spread of lead dust, paint chips, soil, and debris shall be used.
- 2) **Warning signs shall be posted.** For interior hazard reduction activities, a warning sign must be posted at each entry to a room where lead reduction activities are being conducted when the dwelling occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. For exterior reduction activities, post warning signs where they can be easily read 20 feet from the edge of the lead reduction worksite area.

Each warning sign must be in the words of 29 CFR 1926.62(m) and provided in the occupants' primary language.

Lead Relocation Expenses: CDBG funds may be used to pay temporary lead relocation expenses. Out of pocket rent, utility, food, and moving expenses are eligible costs. Grantee must establish reasonable cost limits in their housing rehabilitation guidelines.

STEP 8: Developing the Lead Hazard Reduction Contract Specifications

The city's rehabilitation inspector or risk assessor must develop lead hazard reduction specifications from the risk assessment report. The cost of the lead hazard reduction work, exclusive of rehabilitation work, should not exceed \$6,000. The work to be addressed should be those items considered to be the highest priority as identified by the risk assessor in the risk assessment report. Hazards should be addressed in the in the order of their priority as identified

by the risk assessor. Hazards costing in excess of \$6,000 are not required to be addressed. The grantee shall inform the owner of the hazards that are not being addressed and provide specialized cleaning for these areas (See Exhibit 28). The risk assessor will be required to inform the property owner of the lead reduction options for addressing the identified hazard that will not be addressed under the scope of work for the CDBG funded rehabilitation.

The grantee should be aware of the following situations in developing its lead reduction activities:

- For programs using FY-2002 or earlier CDBG funds, the grantees should not consider a house to be infeasible to rehabilitate based upon lead hazard reduction activities. The HUD/CDBG regulations specify that lead hazards should be eliminated as far as practicable; therefore, all lead hazards are not required to be addressed if it is not practicable to do so. On this issue, the CDBG program has determined that what is “practicable” is what lead hazards you can reduce up to \$6,000. Therefore, grantees are required to prioritize the identified hazards and to expend up to \$6,000 to reduce the hazards as far as practicable. The only exceptions to this rule are as follows:
 - Where a lead-poisoned child is identified, all hazards must be addressed. The grantee must contract DED immediately for assistance.
 - If the house is a childcare center, all hazards must be addressed and the grantee should contact DED for assistance.
- If the owner insists on eliminating all lead hazards in the house, and the \$6,000/unit limit has been exceeded, the owner has the option of paying for the lead reduction work that exceeds the \$6,000, or alternatively, the grantee may “walk-away” from the house.
- In cases where a significant number of immediate lead hazards cannot be addressed at a house, the grantee must inform the owner of these hazards and recommend that the owner address these hazards in the future. This should be done in writing and a list of the remaining lead hazards provided to the owner along with a copy of the risk assessment report. A record of this notification must be kept by the grantee (See Exhibit 28).
- If the risk assessor has not prioritized the severity and extent of each lead hazard in the order of severity, then grantees should request that the risk assessor do so. A non-licensed individual is prohibited from identifying the extent and severity of a lead hazard. If the risk assessor refuses to do this, a new risk assessor must be hired by the grantee.

Contract specifications developed by the risk assessor, rather than the housing inspector, should be used to address lead reduction activities in order to protect the occupants of the house from dust generated during the rehabilitation process. The specifications must include occupant protection measures 24 CFR 35.1345 and OSHA worker protection measures at 24 CFR 1926, if applicable.

STEP 9: Hiring A Licensed Contractor/Supervisor/Workers

Using the procedure specified in step six, grantees will determine if any activities require a licensed supervisor/contractor. If so, then the grantee has a number of options to meet this requirement.

- 1) The grantee can procure a licensed supervisor/contractor from the list developed by the Missouri DHSS. The grantee use the most recent list of both supervisors and contractors from DHSS' website listing of licensed lead contractors, supervisors, and workers. The grantee cannot contract with a contractor that is not on the licensed list and a contractor cannot use unlicensed personnel to accomplish lead abatement activities, unless it is coincidental to the rehabilitation work and less than \$25,000.
- 2) The grantee can procure an unlicensed contractor in accordance with its usual procedures and require the contractor to subcontract with a licensed lead supervisor/contractor.
- 3) The grantee can procure a regular contractor who holds a supervisor/contractor's lead license to complete both the rehabilitation and lead abatement work.
- 4) The grantee can have the property owner accomplish the lead abatement work. Although state law allows an unlicensed owner occupant to complete lead abatement work on their own house, after first consulting with the Department of Health and Senior Services; HUD regulations requires the owner to have the HUD lead safe work practices certificate. The owner occupant must conduct this work and is not allowed to contract work to any individual who is not licensed or does not have a HUD lead safe work practices certificate. As is true with any CDBG funded rehabilitation activity, DED will only reimburse the owner for the cost of materials. Here, an owner rehab project should not be initiated until proof of a HUD lead safe work practices certificate or the use of a licensed lead professional is documented in the file by the grantee.

Regardless of the method selected, specifications developed by the risk assessor in collaboration with the rehab inspector, per Step 7, must be used in the final work write-up for the bid and rehabilitation contract. For each work specification item in the work write-up, specify if that work item requires HUD lead safe work practices or a licensed lead professional to complete that work specification item. Refer to Exhibit 13 for sample specifications.

PLEASE NOTE: The CDBG \$6,000 for lead reduction activities must be tied to lead reduction activities from the risk assessment report and/or work items that coincidentally reduce lead hazards during the course of the rehab. The \$6,000 is not to be used or expended on non-lead reduction work items. For example, a grantee cannot use part of the \$6,000 to pay for a furnace because the replacement of a furnace is not a lead reduction activity. It is strictly a HQS rehab, non-lead reduction work item. A furnace replacement is not even a lead reduction activity coincidental to the rehab work. Do not add a furnace or any other non-lead reduction activity to a work write-up just because the \$15,000 CDBG rehab limit was exceeded, because the \$6,000 reserved for lead reduction activities cannot be used to pay for it. HUD has informed the Department that if this occurs, the grantee will have to return those CDBG funds to the state.

STEP 10: Project Implementation, Monitoring and Clearance

The lead abatement contractor is required to submit a project notification and \$25 to DHSS ten days prior to undertaking an “**abatement**” project (See Exhibit 25). **This notification is not required for interim controls.** If the project changes from interim controls to abatement, DHSS requires a re-notification within 24 hours of the time the changes will occur. DHSS allows an emergency notification by phone within 24 hours of a project provided the emergency is justified through health and safety concerns.

Following an abatement activity, the grantee’s risk assessor will conduct a visual inspection and take a number of clearance tests as specified by DHSS. The purpose of the tests is to determine if the abatement areas are safe for re-occupancy at the time the project is completed. Generally, a risk assessor should be on the job as soon as possible to minimize the inconvenience to the occupants of the house. The risk assessor must submit three copies of the clearance report to the city. If the tests do not pass, the licensed supervisor must return to complete additional cleaning activities and the risk assessor repeats the process until EPA acceptable dust control requirements have been met (see “Lead Speak” glossary at the end of this chapter). DHSS also requires that the licensed lead paint supervisor prepare a post-abatement project report and provide this to the project owner. Final payment for lead and coincidental rehab work should not be made until EPA/HUD clearance levels have been achieved and all risk assessment and clearance reports are submitted to the property owners, tenants, and grantee.

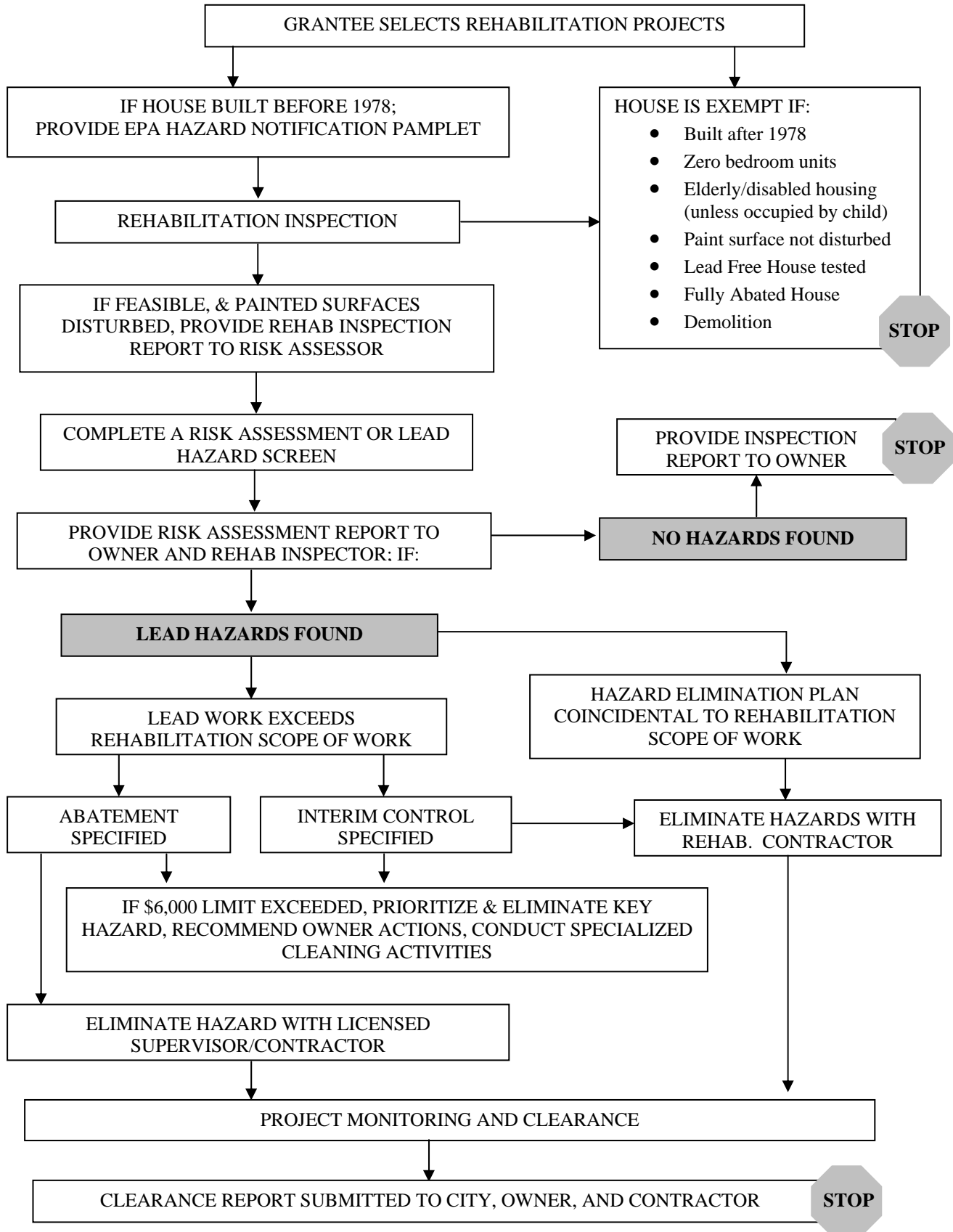
A copy of a checklist (Exhibit 24) to be signed by the property owner and tenants to indicate that they have received the following:

- **EPA brochure**, “Protect Your Family from Lead in Your Home.” (Exhibits 23A and 23B)
- **A lead hazard evaluation report and/or partial inspection report.** The hazard evaluation report, such as a risk assessment or inspection report, must be provided to the property owners within 15 days of the time the report has been received by the grantee, or posted where residents can read the results of the evaluation.
- **A hazard reduction and clearance report** must also be provided to property owners and occupants within 15 days upon completion of the clearance test. This report must include a description of the types of lead hazard reduction activities completed and the results of the clearance testing. This report may also be posted at the site. Any hazards not addressed also must be reported.

HUD HOME SELLER DISCLOSURE REQUIREMENTS

Under 24 CFR Part 35, Subpart A, known lead hazards must be disclosed to potential buyer or tenants by seller and lessors. See Exhibit 29, which is a joint EPA/HUD Fact Sheet pertaining to compliance with this requirement. Exhibits 30 and 30B are sample disclosure forms that may be used by sellers of homes in a CDBG project to comply with this requirement.

LEAD-BASED PAINT PROCEDURE



“Lead Speak” – A Brief Glossary

(Courtesy of the US Department of Housing and Urban Development)

Lead Based Paint: Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead Based Paint Hazards: Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Visual Assessment: A visual inspection of interior and exterior surfaces to identify specific conditions that may be lead-based paint hazards. A visual inspection does not identify lead based paint. The assessment may be performed by a person trained in visual assessment. Training for visual assessment is available on HUD’s Web site at www.hud.gov/lead.

LEAD HAZARD EVALUATION

Paint Testing: Testing of specific surfaces, by XRF (x-ray fluorescence) or lab analysis, to determine the lead content of these surfaces, performed by a certified lead based paint inspector or certified risk assessor.

Lead Based Paint Inspection: A surface-by-surface investigation to determine the presence of lead based paint and the provision of a report explaining the results of the investigation. It is performed by a certified paint inspector or risk assessor.

Risk Assessment: A comprehensive evaluation for lead based paint hazards that includes paint testing, dust and soil sampling, and a visual evaluation. The risk assessment report identifies lead hazards and appropriate lead hazard reduction methods. A certified risk assessor must conduct the assessment.

Lead Hazard Screen: A limited risk assessment activity that can be performed instead of a risk assessment in units that meet certain criteria (e.g. good condition). The screen must be performed by a certified risk assessor. If the unit fails the lead hazard screen, a full risk assessment must be performed.

Clearance Examination: Clearance is performed after hazard reduction, rehabilitation, or maintenance activities to determine if a unit is safe for occupancy. It involves a visual assessment, analysis of dust samples, and preparation of report. The certified risk assessor, paint inspector, or lead sampling technician (called a clearance technician in the HUD regulation) performing clearance must be independent from the entity/individual conducting paint stabilization or hazard reduction.

LEAD HAZARD REDUCTION

Paint Stabilization: An interim control method that stabilizes painted surfaces and addressed the underlying cause of deterioration. Steps include repairing defective surfaces, removing loose paint and applying new paint.

Interim Controls: Set of measures to temporarily control lead based paint hazards. Interim control methods must be completed by qualified workers using safe work practices. Follow-up monitoring is needed.

Standard Treatments: A complete set of interim control methods that when used together temporarily control all potential lead hazards in a unit. Because they address all conditions, a risk assessment or other evaluation is not needed. Standard treatments must be completed by qualified workers using safe work practices. As with interim controls, follow-up monitoring is needed.

Abatement: Measures to permanently control (i.e. 20 years or more) lead based paint or lead based paint hazards. EPA regulations exclude from the definition of abatement “renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead based paint hazards.” [40 CFR 745.223]

LEAD POISONING

Environmental Intervention Blood Lead Level: The level of lead in blood that requires intervention in a child under age six. This is defined as a blood level of 20 µg/dL (micrograms per deciliter) of whole blood or above for a single test, or blood lead levels of 15-19 µg/dL in two tests taken at least three months apart.

KEY UNITS OF MEASUREMENT

µg (Microgram): A microgram is 1/1000th of a milligram (or one millionth of a gram). To put this unit into perspective, a penny weighs two grams. To get a microgram, you would need to divide the penny into two million pieces. A microgram is one of those two million pieces.

ft² (Square foot): One square foot is equal to an area that has a length of one foot (12 inches) and a width of one foot (12 inches).

µg/dL: Micrograms per deciliter used to measure the level of lead in children’s blood to establish whether intervention is needed. A deciliter 1/10th of a liter) is a little less than half a cup. As noted above, a microgram is the same weight as one penny divided into two million parts.

µg/gram: Micrograms per gram of sample, equivalent to parts per million (ppm) by weight. Used to measure lead in soil.

µg/ft²: Micrograms per square feet is the measurement used to measure levels of lead in dust samples. The clearance report should have the dust sampling results listed in µg/ft² (micrograms per square foot).

mg/cm²: Milligrams per square centimeter. Used to measure lead in paint.

percent: Percent by weight, used usually for lead based paint (1 percent = 10,000 µg/gram)

ppm: Parts per million by weight, equivalent to µg/gram (10,000 ppm = 1 percent). Used to measure lead in paint or soil.

LEAD BASED PAINT STANDARDS

Paint – Definition of Lead Based Paint

Paint or other surface coatings that contain at least:

- 1 milligram per centimeters square (mg/cm²) of lead;
- 0.5 percent lead; or 5,000 parts per million lead by dry weight.

*In 1978, the Consumer Product Safety Commission banned the residential use of lead based paint that contained greater than or equal to 0.06 percent or 600 ppm of lead.

Dust – Federal Thresholds for Lead Contamination (Risk Assessment/Clearance)

- Floors – 40 µg/ft²
- Interior window sills – 250 µg/ft²
- Window troughs (clearance only) – 400 µg/ft²

Soil – Federal Thresholds for Bare Soil Contamination

- Play areas used by children under age six – 400 µg/gram
- Other areas, if more than 9ft² in total are of bare soil per property – 2000 µg/gram
- Abatement required by HUD – 5000 µg/gram